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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,822	03/17/2004	Hiroyuki Kimbara	250564US2	2522

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

LEWIS, CHERYL RENE A

ART UNIT	PAPER NUMBER
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2167

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/09/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/09/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/801,822

Applicant(s)

KIMBARA ET AL.

Examiner

Cheryl Lewis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/5/05 & 7/30/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response the applicants' amendment received on December 8, 2006.
2. Claims 1-77 are presented for examination.
3. The applicants have amended claims 1, 3, 8-10, 12, 17, 19, 21, 26-29, 36, 38-40, 42-47, 50-52, 54, 56, 58, 60-72, and 74-78. The applicants have not cancelled or introduced any new claims.
4. The objection to the Information Disclosure Statement filed July 30, 2004 is hereby withdrawn. The examiner has considered the applicants IDS filed July 30, 2004.
5. Applicants' arguments with respect to claims 1-77 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – The applicants have not cancelled

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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7. Claims 1-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi et al. (Publication No.: 2004/0042363 A1 filed December 12, 2001, hereinafter Kobayashi).

8. Regarding Claims 1, 10, 19, 29, 39, and 40, Kobayashi teaches a method of recording data, recording medium and recording device.

The method and associated system for recording data, recording medium and recording device as taught or suggested by Kobayashi includes:

a detector that detects a recording medium to be positioned to be set in an accessible state (paragraph 0030); a recording-medium starting section that activates the recording medium detected by the detector to activate the accessible state (paragraph 0034); and a program starting section that performs an authentication check on the recording medium activated by the recording-medium starting section (paragraph 0035), reads a program from a recording medium (paragraph 0030 and 0031) only when a result of the authentication check is normal (paragraph 0035-0037), and starts an execution of a program (paragraph 0035-0037); and image forming means (paragraph 0030, i.e., "...video or image data...").

9. Regarding Claims 2, 11, 20, and 30, Kobayashi teaches the program starting section reads for authentication check from a recording medium in an accessible state using a file (paragraph 0048).

10. Regarding Claims 3, 12, 21, and 31, the limitations of these claims have been noted in the rejections of claims 1, 2, 10, 11, 19, 20, 29, 30, and 40 presented above. It is therefore rejected as set forth above.

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11. Regarding Claims 4, 13, 22, and 32, the limitations of this claim have been presented in the rejections of claims 1, 10, 19, 29, 39, and 40 presented above. In addition, Kobayashi teaches an electronic signature (paragraph 0048). Kobayashi teaches identification information (paragraphs 0035-0037).

12. Regarding Claims 5-8, 14-17, 23-26, 33-36, the limitations of these claims have been noted in the rejections of claims 1, 10, 19, 29, 39, and 40 presented above. They are therefore rejected as set forth above.

13. Claims 42-53, 60-63, 68, 69, and 72-75 are rejected under 35 U.S.C. 102(b) as being anticipated by Kishi et al. (Publication No: 2001/0053224 A1 filed March 30, 2001, hereinafter Kishi).

14. Regarding Claims 42, 60-63, 68, 69, and 72 Kishi teaches information vending apparatus, information vending method, and program storage medium.

The method and associated system for information vending apparatus, information vending method, and program storage medium as taught or suggested by Kishi includes:

producing license information using at least identification information of recording medium (paragraph 0074-0075); and recording the license information produced by the starting program on the recording medium (paragraph 0074-0075); and sending license information produced by the license information creation section (paragraph 0074-0075).

Claims 42, 60-63, 68, 69, and 72 Kishi teaches information

information vending apparatus, information vending method, and program storage medium

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15. Regarding Claims 43-53 and 73-75, the limitations of these claims have been noted in the rejections of claims presented above. They are therefore rejected as set forth above.

16. Claims 54-59, 64-67, 70, 71, and 76-78 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawaura (Publication No.: 2003/0038968 A1 filed August 26, 2002).

17. Regarding Claims 54, 64-67, 70, 71, and 76, Kawaura teaches an image forming apparatus, program updating method and recording medium.

The method and associated system for an image forming apparatus, program updating method and recording medium as taught or suggested by Kawaura includes:

producing an updating program (figure 5, elements 122, 430, and 433, paragraphs 0094-0100) for updating the starting program (figure 5, elements 421, 422, 423, and 424, paragraphs 0094-0100) which causes information processing apparatus to start and recording updating program produced by updating the recording-medium (figure 5, elements 421, 422, 423, and 424, paragraphs 0094-0100).

18. Regarding Claims 53-59, 77, and 78, the limitations of these claims have been noted in the rejections of claims presented above. They are therefore rejected as set forth above.

NAME OF CONTACT

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

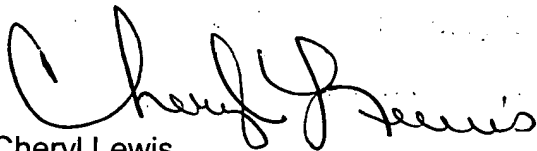
(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cheryl Lewis
Patent Examiner
March 1, 2007